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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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CHICAGO, IL 60604-3590

JUN 16 2009

Matthiessen and Hegeler Zinc Co. (M&H Zinc)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LaSalle Acres, Inc.
119 W. William Street, Suite 300
Decatur, Illinois 62523-1185

RE: Matthiessen and Hegeler Zinc Company Site, LaSalle, Illinois
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

- 1) Develop and implement a Site Health and Safety Plan and Site Security Plan;
- 2) Conduct personnel and perimeter air monitoring for asbestos and lead during all work activities to protect workers and nearby populations;
- 3) Remove and properly dispose of friable asbestos-contaminated material (ACM);

- 4) Dismantle structurally unsound laboratory building to abate lead dust threat, properly dispose of lead and metal contaminated debris;
- 5) Decontaminate equipment and appropriately dispose of decon-water;
- 6) Conduct post removal sampling and analysis to verify completion of the removal

U.S. EPA has received information that you may presently own or operate the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter. U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions.

If you need further information regarding this letter, you may contact Larry L. Johnson of the U.S. EPA Office of Regional Counsel at (312) 886-6609.

Sincerely yours,



Linda M. Nachowicz, Chief
Emergency Response Branch #2

[Enclosure] (SBREFA information sheet)

LIST OF PRPs SENT GENERAL NOTICE LETTER

Frederick L. Carus
2541 E. 150th Road
Peru, Illinois 61354-9417

LaSalle Acres, Inc.
119 W. William Street, Suite 300
Decatur, Illinois 62523-1185

Supplemental Information for Small Businesses Subject to an U.S. EPA Enforcement Action

The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and state environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites

EPA offers a great deal of compliance assistance information and material for small businesses on the following Websites, available through public libraries:

➔ www.epa.gov	<i>EPA's Home Page</i>
➔ www.smallbiz-enviroweb.org	<i>EPA's Small Business Home Page</i>
➔ www.smallbiz-enviroweb.org/state.html	<i>List of State Contacts</i>
➔ www.epa.gov/ttn/sbap	<i>Small Business Assistance Programs</i>
➔ www.epa.gov/oeca/polguid/index.html	<i>Enforcement Policy and Guidance</i>
➔ www.epa.gov/oeca/smbusi.html	<i>Small Business Policy</i>
➔ www.epa.gov/oeca/oc	<i>Compliance Assistance Home Page</i>
➔ www.epa.gov/oeca/ccsmd/commpull.html	<i>Small Businesses and Commercial Services</i>
➔ www.epa.gov/oeca/ccsmd/mun.html	<i>Small Communities Policy</i>

Hotlines

EPA sponsors approximately 89 hotlines and clearinghouses that provide a free and convenient avenues to obtain assistance with environmental requirements. The Small Business Ombudsman Hotline can provide you with a list of all the hot lines and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

➔ Small Business Ombudsman.....	(800) 368-5888
➔ RCRA/UST/CERCLA Hotline.....	(800) 424-9346
➔ Toxics Substances and Asbestos Information.....	(202) 554-1404
➔ Safe Drinking Water.....	(800) 426-4791
➔ Stratospheric Ozone/CFC Information.....	(800) 296-1996
➔ Clean Air Technical Center.....	(919) 541-0800
➔ Wetlands Hotline.....	(800) 832-7828

Compliance Assistance Centers

EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and state agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

Supplemental Information for Small Businesses
Subject to an U.S. EPA Enforcement Action

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA or related provisions nor does it create any new rights or defenses under law.

**ROUTING INFORMATION REGARDING
Matthiessen and Hegeler Zinc Site**

The M&H Site is currently being investigated under a joint PRP and fund-led RI/FS under the Remedial Program. During the RI/FS, asbestos and an old laboratory were found that posed an imminent and substantive threat to human health and the environment and the Removal Program was involved. We are currently sending out a General Notice Letter, followed shortly by a Unilateral to two PRPs at the site. Neither has been responsive in past negotiations or information requests during the RI/FS process. One PRP, Fred Carus, did perform a past ordered removal at the site for another emergency action, but the removal ran into numerous problems with the RP and did not conclude for several years past the initiation of the cleanup. He also caused the RI/FS negotiations to be delayed before refusing to enter into the RI/FS AOC. Because of this history, and the time-critical nature of the present situation, we are not offering an AOC and we are only allowing a limited amount of time for either PRP to agree to comply with a UAO.

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